

JUDGE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

EDMONDS GREENERY HOMEOWNERS
ASSOCIATION, a Washington Non-Profit
Corporation,

Plaintiff,

v.

ALLSTATE INSURANCE COMPANY, an
Illinois Corporation; and DOE INSURANCE
COMPANIES 1–10,

Defendants.

NO. 2:21-cv-00103-RSM

STIPULATED MOTION AND ORDER
FOR CONSOLIDATION OF RELATED
ACTIONS UNDER FED. R. CIV. P.
42(a)(2)

NOTE FOR MOTION CALENDAR:
OCTOBER 14, 2021

EDMONDS GREENERY HOMEOWNERS
ASSOCIATION, a Washington Non-Profit
Corporation,

Plaintiff,

v.

STATE FARM FIRE AND CASUALTY
COMPANY, an Illinois Corporation; and DOE
INSURANCE COMPANIES 1–10,

Defendants.

NO. 2:21-cv-00523-RSM

I. STIPULATION

STIPULATED MOTION AND ORDER FOR
CONSOLIDATION OF RELATED ACTIONS
UNDER FED. R. CIV. P. 42(a)(2) - 1

STEIN, SUDWEEKS & STEIN, PLLC
2701 FIRST AVENUE, SUITE 430
SEATTLE, WA 98121
PHONE 206.388.0660 FAX 206.286.2660

1 Plaintiff Edmonds Greenery Homeowners Association (“Association”) and Defendants
 2 Allstate Insurance Company (“Allstate”) and State Farm Fire and Casualty Company (“State
 3 Farm”) (collectively the “Defendants”) hereby stipulate as follows:

4 1. The cases *Edmonds Greenery Homeowners Association v. Allstate Insurance*
 5 *Company, et al.*, Western District of Washington Cause No. 2:21-cv-00103-RSM, and *Edmonds*
 6 *Greenery Homeowners Association v. State Farm Fire and Casualty Company, et al.*, Western
 7 District of Washington Cause No. 2:21-cv-00523-RSM, both involve claims for insurance
 8 coverage for alleged incremental and progressive hidden damage to the Edmonds Greenery
 9 Condominiums. The cases identified above involve the Association as Plaintiff in both cases and
 10 the following insurance companies as Defendants in the respective actions: (1) Allstate; and (2)
 11 State Farm.

12 2. While the cases have different defendants, the cases share common issues of fact
 13 and law as to liability and damages. The cases also involve many of the same lay and expert
 14 witnesses, Association records, and other documentary evidence. Both cases are assigned to the
 15 same Judge, the Honorable Ricardo S. Martinez. Consolidating the cases for trial under Fed. R.
 16 Civ. P. 42(a)(2) will promote efficiency and conserve judicial resources.

17 3. Pursuant to LCR 42(a), the Association and both Defendants stipulate that the
 18 later filed lawsuit, cause No. 2:21-cv-00523-RSM, shall be consolidated into case: *Edmonds*
 19 *Greenery Homeowners Association v. Allstate Insurance Company, et al.*, Western District of
 20 Washington Cause No. 2:21-cv-00103-RSM. The Association and Defendants agree that the
 21 caption for the current case: *Edmonds Greenery Homeowners Association v. Allstate Insurance*
 22 *Company, et al.*, Western District of Washington Cause No. 2:21-cv-00103-RSM, shall be
 23 amended to add State Farm.

24 4. *Edmonds Greenery Homeowners Association v. Allstate Insurance Company, et*
 25 *al.*, Western District of Washington Cause No. 2:21-cv-00103-RSM is currently set for a jury
 26

1 trial on April 25, 2022. *Edmonds Greenery Homeowners Association v. State Farm Fire and*
2 *Casualty Company, et al.*, Western District of Washington Cause No. 2:21-cv-00523-RSM is
3 currently set for a jury trial on July 25, 2022.

4 5. The parties agree and request that the case schedule for *Edmonds Greenery*
5 *Homeowners Association v. State Farm Fire and Casualty Company, et al.*, Western District of
6 Washington Cause No. 2:21-cv-00523-RSM shall govern this lawsuit.

7 6. The Association and Defendants agree that: (1) the consolidated case will be
8 ready for trial by July 25, 2022, or as soon thereafter as permitted by the Court's schedule; and
9 (2) the estimated length of trial is seven to ten days.

10 7. The Association and Defendants have met and conferred regarding this Stipulation
11 and Proposed Order, as called for in LCR 42(b).

12
13 DATED 10/13/2021

By /s/ Daniel J. Stein
Jerry Stein, WSBA #27721
Justin Sudweeks, WSBA #28755
Daniel Stein, WSBA #48739
Jessica R. Burns, WSBA #49852
Stein, Sudweeks & Stein, PLLC
2701 1st Avenue, Suite 430
Seattle, WA 98121
jstein@condodefects.com
justin@condodefects.com
dstein@condodefects.com
jessica@condodefects.com

*Attorneys for Plaintiff Edmonds Greenery
Homeowners Association*

21
22 DATED 10/13/2021

By /s/ Richard G. Gawlowski
Alfred E. Donohue, WSBA #32774
Richard G. Gawlowski, WSBA #19713
Wilson Smith Cochran Dickerson
901 Fifth Avenue, Suite 1700
Seattle, WA 98164-2050
donohue@wscd.com
gawlowski@wscd.com

*Attorneys for Defendant Allstate Insurance
Company*

DATED 10/13/2021

By /s/ Michael S. Rogers
Michael S. Rogers, WSBA #16423
Jason Vacha, WSBA #32774
Reed McClure
1215 Fourth Avenue, Suite 1700
Seattle, WA 98161-1087
mrogers@rmlaw.com
jvacha@rmlaw.com

*Attorneys for Defendant State Farm Fire &
Casualty Company*

II. ORDER

Based on the foregoing Stipulation, it is hereby ORDERED:

1. That the later filed case *Edmonds Greenery Homeowners Association v. State Farm Fire and Casualty Company, et al.*, Western District of Washington Cause No. 2:21-cv-00523-RSM, shall be consolidated into the current case, *Edmonds Greenery Homeowners Association v. Allstate Insurance Company, et al.*, Western District of Washington Cause No. 2:21-cv-00103-RSM.

2. That the caption for the current case, *Edmonds Greenery Homeowners Association v. Allstate Insurance Company, et al.*, Western District of Washington Cause No. 2:21-cv-00103-RSM, shall be amended to add State Farm.

3. The parties agree that trial shall take place on July 25, 2022. The case schedule for *Edmonds Greenery Homeowners Association v. State Farm Fire and Casualty Company, et al.*, Western District of Washington Cause No. 2:21-cv-00523-RSM shall govern the consolidated lawsuit, as set forth below.

JURY TRIAL DATE	July 25, 2022
Disclosure of expert testimony under FRCP 26(a)(2)	January 26, 2022
Disclosure of rebuttal expert testimony under FRCP 26(a)(2)	February 25, 2022
Deadline for filing motions related to discovery. Any such motions shall be noted for consideration pursuant to LCR 7(d)(3).	February 25, 2022
Discovery completed by	March 28, 2022
All dispositive motions must be filed by and noted on the motion calendar no later than the fourth Friday thereafter (see LCR 7(d))	April 26, 2022
Mediation per LCR 39.1(c)(3), if requested by the parties , held no later than	June 10, 2022
All motions in limine must be filed by and noted on the motion calendar no later than the THIRD Friday thereafter	June 27, 2022
Agreed pretrial order due	July 13, 2022
Pretrial conference to be scheduled by the Court.	

1 Trial briefs, proposed voir dire questions, jury
2 instructions, neutral statement of the case, and
3 trial exhibits due

July 20, 2022

4 DATED this 19th day of October, 2021.

5 

6 RICARDO S. MARTINEZ
7 CHIEF UNITED STATES DISTRICT JUDGE
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10 Presented by:

11 By /s/ Daniel J. Stein

12 Jerry Stein, WSBA #27721

13 Justin Sudweeks, WSBA #28755

14 Daniel Stein, WSBA #48739

15 Jessica R. Burns, WSBA #49852

16 Stein, Sudweeks & Stein, PLLC

17 2701 1st Avenue, Suite 430

18 Seattle, WA 98121

19 jstein@condodefacts.com

20 justin@condodefacts.com

21 dstein@condodefacts.com

22 jessica@condodefacts.com

23 *Attorneys for Plaintiff Edmonds Greenery*

24 *Homeowners Association*
25

26 By /s/ Richard G. Gawlowski

Alfred E. Donohue, WSBA #32774

Richard G. Gawlowski, WSBA #19713

Wilson Smith Cochran Dickerson

901 Fifth Avenue, Suite 1700

Seattle, WA 98164-2050

donohue@wscd.com

gawlowski@wscd.com

Attorneys for Defendant Allstate Insurance Company

By /s/ Michael S. Rogers

Michael S. Rogers, WSBA #16423

Jason Vacha, WSBA #32774

Reed McClure

1215 Fourth Avenue, Suite 1700

Seattle, WA 98161-1087

mrogers@rmlaw.com

jvacha@rmlaw.com

*Attorneys for Defendant State Farm Fire &
Casualty Company*

CERTIFICATE OF SERVICE

I hereby certify that on October 14, 2021, a copy of the foregoing ***Document*** and this ***Certificate of Service*** were served on counsel below as noted:

Attorneys for Allstate Insurance Company:

Alfred E. Donohue, WSBA No. 32774
Richard G. Gawlowski, WSBA No. 19713
Wilson Smith Cochran Dickerson
901 Fifth Avenue, Suite 1700
Seattle, WA 98164-2050
Phone: (206) 623-4100
Email:

donohue@wscd.com;
gawlowski@wscd.com;
obrien@wscd.com;
strelyuk@wscd.com;
ossenkop@wscd.com;
page@wscd.com;

- ☐ via US Mail
☐ via Legal Messenger
☒ via CM/ECF
☐ via E-Mail

Attorneys for State Farm Fire and Casualty Company:

Michael Rogers, WSBA #21726
Jason Vacha, WSBA #32774
Reed McClure
1215 Fourth Ave, Ste 1700
Seattle, WA 98161
Phone: (206) 292-4900
Email:

jvacha@rmlaw.com;
mrogers@rmlaw.com

- ☐ via US Mail
☐ via Legal Messenger
☒ via CM/ECF
☐ via E-Mail

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

SIGNED this 14th day of October, 2021, at Seattle, Washington.

STEIN, SUDWEEKS & STEIN, PLLC

s/Zach Heafner

Zach Heafner, Paralegal
2701 First Avenue, Suite 430
Seattle, WA 98121

Email: zach@condodefects.com
Phone: (206) 388-0660

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